

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 AUG 29 PM 3:46

MARY M. GILL,

Plaintiff,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

VS.

NO. 04-2430-Ma

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER CONTINUING STAY OF BRIEFING SCHEDULE
AND ADMINISTRATIVELY CLOSING CASE

On May 6, 2005, the court entered an order holding the briefing schedule in this case in abeyance pending the outcome before the Sixth Circuit Court of Appeals in the case of Combs v. Commissioner of Social Security.

Defendant now advises that the Sixth Circuit has vacated its decision in Combs, that the case is now pending on the active docket, and that a new decision will be rendered. The case will be argued to the *en banc* court on December 7, 2005.

Because the Combs case may affect the outcome of this case, the court finds that the stay of the briefing schedule in this matter should be continued and that this case should be closed administratively at this time. Such closure is in no way a determination of the substantive issues between the parties or their procedural right to pursue this matter at a later date.

This case is therefore closed administratively. Either party may move to reopen this case at such time as a new decision has been rendered by the Sixth Circuit Court of Appeals in the Combs case.

It is so ORDERED this 26th day of August, 2005.

A handwritten signature in black ink, appearing to read 'SH Mays', written over a horizontal line.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 25 in case 2:04-CV-02430 was distributed by fax, mail, or direct printing on August 31, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT